

# SENATE BILL 361

R4

11r2241  
CF 11r1794

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By: **Senators Raskin and Ramirez**

Introduced and read first time: February 3, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Provisional Driver’s Licenses – Driver Education**  
3 **Requirements**

4 FOR the purpose of reducing the period of time that certain individuals at least a  
5 certain age who hold a learner’s instructional permit are required to wait before  
6 taking certain examinations for a provisional driver’s license; establishing that  
7 certain driving practice requirements and a requirement to complete a certain  
8 driver skills log book before taking certain examinations for a provisional  
9 driver’s license do not apply to an individual at least a certain age; authorizing  
10 individuals at least a certain age to complete certain driver education  
11 requirements through a certain Internet program; requiring the Motor Vehicle  
12 Administration to adopt regulations establishing curriculum, equipment, and  
13 standards for a certain Internet driver education program; and generally  
14 relating to driver education requirements for obtaining a provisional driver’s  
15 license.

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 16–105(d), 16–111(b), and 16–505  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 16–105.

25 (d) (1) This subsection applies to an individual who:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Seeks to obtain an original driver's license under this  
2 subtitle; and

3 (ii) Does not qualify for a learner's instructional permit under  
4 subsection (e) of this section.

5 (2) An individual **UNDER THE AGE OF 18 YEARS** who holds a  
6 learner's instructional permit may not take a driver skills examination or driver road  
7 examination for a provisional license:

8 (i) Sooner than 9 months following the later of:

9 1. The date that the individual first obtains the learner's  
10 instructional permit; or

11 2. The date the individual was convicted of, or granted  
12 probation before judgment under § 6-220 of the Criminal Procedure Article for, a  
13 moving violation;

14 (ii) Until after successful completion of:

15 1. The driver education program approved under  
16 Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at  
17 least 6 hours of highway driving instruction; and

18 2. At least 60 hours, 10 hours of which must occur  
19 during the period beginning 30 minutes before sunset and ending 30 minutes after  
20 sunrise, of behind-the-wheel driving practice supervised by an individual who:

21 A. Holds a valid driver's license;

22 B. Is at least 21 years old; and

23 C. Has been licensed to drive for at least 3 years; and

24 (iii) Unless the individual submits, in accordance with the  
25 Administration's regulations, a completed skills log book signed by:

26 1. Each supervising driver who certifies that the  
27 individual has satisfactorily demonstrated a required skill and has completed the  
28 driving practice requirements of item (ii)2 of this paragraph; and

29 2. If a signature of a parent, guardian, or other person is  
30 required under § 16-107 of this subtitle, the parent, guardian, or other person who  
31 signs the individual's application under that section.

1           **(3) AN INDIVIDUAL AT LEAST 18 YEARS OLD WHO HOLDS A**  
2 **LEARNER’S INSTRUCTIONAL PERMIT AND HAS NOT BEEN CONVICTED OF, OR**  
3 **GRANTED PROBATION BEFORE JUDGMENT FOR, A MOVING VIOLATION MAY NOT**  
4 **TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR A**  
5 **PROVISIONAL LICENSE:**

6                   **(I) SOONER THAN 45 DAYS FOLLOWING THE DATE THAT**  
7 **THE INDIVIDUAL FIRST OBTAINS THE LEARNER’S INSTRUCTIONAL PERMIT; AND**

8                   **(II) UNTIL AFTER SUCCESSFUL COMPLETION OF A**  
9 **STANDARD OR AN INTERNET DRIVER EDUCATION PROGRAM APPROVED UNDER**  
10 **SUBTITLE 5 OF THIS TITLE, CONSISTING OF AT LEAST 30 HOURS OF CLASSROOM**  
11 **OR INTERNET INSTRUCTION AND AT LEAST 6 HOURS OF HIGHWAY DRIVING**  
12 **INSTRUCTION.**

13           **(4) AN INDIVIDUAL AT LEAST 18 YEARS OLD WHO HOLDS A**  
14 **LEARNER’S INSTRUCTIONAL PERMIT AND HAS BEEN CONVICTED OF, OR**  
15 **GRANTED PROBATION BEFORE JUDGMENT FOR, AT LEAST ONE MOVING**  
16 **VIOLATION MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD**  
17 **EXAMINATION FOR A PROVISIONAL LICENSE:**

18                   **(I) SOONER THAN 9 MONTHS FOLLOWING THE MOST**  
19 **RECENT DATE THE INDIVIDUAL WAS CONVICTED OF, OR GRANTED PROBATION**  
20 **BEFORE JUDGMENT FOR, A MOVING VIOLATION; AND**

21                   **(II) UNTIL AFTER SUCCESSFUL COMPLETION OF A**  
22 **STANDARD OR AN INTERNET DRIVER EDUCATION PROGRAM APPROVED UNDER**  
23 **SUBTITLE 5 OF THIS TITLE, CONSISTING OF AT LEAST 30 HOURS OF CLASSROOM**  
24 **OR INTERNET INSTRUCTION AND AT LEAST 6 HOURS OF HIGHWAY DRIVING**  
25 **INSTRUCTION.**

26                   **[(3)](5)** A learner’s instructional permit issued to an individual  
27 described in paragraph (1) of this subsection expires 2 years after the date of issuance.

28 16–111.

29           (b) An applicant is entitled to receive a provisional license if the applicant:

30                   (1) Meets the minimum age required under § 16–103(c)(2) of this  
31 subtitle;

32                   (2) Satisfies the learner’s instructional permit requirements under §  
33 16–105(d)(2), **(3), OR (4)** of this subtitle;

1 (3) Passes a driver skills or driver road examination administered  
2 under this subtitle;

3 (4) Surrenders any learner's instructional permit issued to the  
4 applicant; and

5 (5) Pays the fee established under this subtitle.

6 16-505.

7 (a) The Administration shall, in consultation with the State Department of  
8 Education, adopt and enforce regulations not inconsistent with this subtitle to  
9 implement a standardized driver education program conducted by driver education  
10 schools under its jurisdiction.

11 (b) Regulations adopted under this section shall be administered by the  
12 Administration and shall include:

13 (1) Curriculum, equipment, and facility standards for classroom,  
14 laboratory, and on-road instruction phases;

15 (2) **CURRICULUM, EQUIPMENT, AND STANDARDS FOR AN**  
16 **INTERNET DRIVER EDUCATION PROGRAM THAT A PERSON MAY TAKE WITHIN A**  
17 **FLEXIBLE TIME PERIOD AS DETERMINED BY THE PERSON;**

18 (3) Minimum student performance standards for an approved driver  
19 education program based upon the standardized curriculum approved by the  
20 Administration, consisting of at least 30 hours of classroom instruction and at least 6  
21 hours of highway driving instruction;

22 [(3)] (4) Standards for the certification of schools and instructors;

23 [(4)] (5) A system to evaluate the effectiveness of the driver  
24 education program;

25 [(5)] (6) Standards governing the required offering of the driver  
26 education program, based on the capacity, enrollment, staff, and facilities of the  
27 schools; and

28 [(6)] (7) Standards for the eligibility of individuals to enroll in the  
29 program.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2011.